S.B.CIVIL WRIT PETITION No.3097/1997
Dr. SURENDRA VYAS V/s THE STATE OF RAJ. & Ors.

11.1.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri R.D. Rastogi for the petitioner.
Shri Suresh Pareek for respondent No.5.
Shri R.N. Mathur for respondents No.6 to 9.

This writ petition has been filed by Dr. Surendra Vyas with the prayer that respondents No.1 and 3 may be directed to appoint Administrator for smooth running of the institution, Bal Bharti School, Bikaner. In the body of the petition, the petitioner has enumerated a number of irregularities and it has been prayed that the amount of grant-in-aid should not be released to the present managing committee and if at all released, the same should be allowed to be spent through some responsible person who may be appointed by the Government as per the provisions contained in section 10 of the Act. The private respondents have contested the writ petition and have denied that any such irregularities have been committed by them. There is therefore no case for appointment of the Administrator. The institution is being smoothly run by the Management Committee

not only prior to the period when the writ petition was filed but subsequent thereto also.

I have heard the learned counsel for the parties.

I find that the questions that are raised in the petition requires some sort of investigation on facts which can appropriately be made only by the competent authority under section 10 of the Rajasthan Non-Government Institutions Act, 1989, which provides that notwithstanding anything contained in any other Law for the time being force, when it appears to the State Government that the Managing Committee of any recognised institution has neglected to perform any of the duties assigned to it by or under the Act and the Rules of 1993 that it is necessary in the public interest to take over the management and appoint any administrator to exercise control over the assets of the institution.

It would not be appropriate for this court to enter into a roving enquiry whether or not, the institution is being run properly. It would be therefore appropriate for the petitioner to submit a detailed representation detailing out all those

irregularities on which he wants to invite attention of the competent authority to invoke its power under section 10 supra.

The petitioner should make such representation within one month along with copy of this order from today and the parties are directed to appear before the Secretary, Primary and Secondary Eduction, Government of Rajasthan on 26.2.07 who shall give an appropriate opportunity to the parties and take final view of the matter in accordance with the provisions of section 10 of the Act order within six months next thereafter.

The writ petition is accordingly disposed of with no order as to costs.

(Mohammad Rafiq),J.

Chauhan/